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Attorney for Defendant  
**JULES MINH VO**

**\*E-FILED - 5/7/09\***

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

UNITED STATES OF AMERICA,	)	<b>NO: CR-08-00402 (RMW)</b>
	)	
Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>MOTIONS HEARING DATE;</b>
vs.	)	<b>□ ORDER</b>
	)	
JULES MINH VO, et al.,	)	
	)	
Defendants.	)	
_____	)	

It is hereby stipulated between the United States of America, by and through Assistant United States Attorneys David R. Callaway, and defendants Jules Minh Vo, Nhu Mai Nguyen, Tan Minh Vo, Kevin Vo, Nguyen Nhu Tran, and Richard Khoi Tran, by and through their respective defense counsel, that the motions hearing date of April 20, 2009 be continued to May 18, 2009, at 9:00 a.m., and that the previously set briefing schedule be adjusted to reflect the new date.

The reason for this continuance is that defense counsel are in the midst of preparing a number of pretrial motions but will not be able to complete the motions by the current filing date of March 16, 2009. Defense counsel, Richard P. Pointer, has been in a preliminary hearing in the matter of People vs. Christopher Lee, et al., for the past

1 addition, defense counsel's client, Jules Minh Vo, was recently, 3/6/09, released from  
2 custody on bond and is now available to better assist counsel in preparing his defense.

3 The briefing schedule will be modified as follows:

4 April 13, 2009 Defense Motions to be Filed

5 April 27, 2009 Government Response to Motions to be Filed

6 May 11, 2009 Defense Reply Briefs to be Filed

7 May 18, 2009 Motions Hearing Date

8 The ends of justice served by this continuance outweigh the best interest of the  
9 public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C.  
10 §3161(h)(8)(A).

11 Time has already been excluded to April 20, 2009. The parties stipulate that the  
12 time between April 20, 2009 and May 18, 2009, shall be excluded from the period of time  
13 within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.,  
14 pursuant to Title 18, United States Code Section 3161(h)(8)(A), considering the factors set  
15 forth in Section 3161(h)(8)(B). As required by 18 U.S.C. §3161 (h)(8)(B)(iv), it is stipulated  
16 that the ends of justice outweigh the best interest of the public and the defendant in a  
17 speedy trial and the denial of the stipulation to continue the motions hearing would  
18 unreasonably deny the defendants reasonable time necessary for effective preparation of  
19 the pretrial motions and defense, taking into account the exercise of due diligence, and  
20 would deny the defendant continuity of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

21 It is so stipulated.

22 Dated: March 18, 2009

Respectfully submitted,

23 /s/

Richard P. Pointer  
Attorney for Jules Minh Vo

24 Dated: March 18, 2009

25 /s/

Vicki H. Young  
Attorney for Tan Minh Vo

26

1 Dated: March 18, 2009

\_\_\_\_\_/s/\_\_\_\_\_  
Allen Schwartz  
Attorney for Kevin Vo

3 Dated: March 18, 2009

\_\_\_\_\_/s/\_\_\_\_\_  
David Johnson  
Attorney for Nguyen Nhu Tran

5 Dated: March 18, 2009

\_\_\_\_\_/s/\_\_\_\_\_  
Jack Gordon  
Attorney for Richard Khoi Tran

8 Dated: March 18, 2009

\_\_\_\_\_  
David R. Callaway  
Assistant United States Attorney

UNITED STATES OF AMERICA,	)	<b>NO: CR-08-00402 (RMW)</b>
	)	
Plaintiff,	)	<b>ORDER FOR</b>
	)	<b>CONTINUANCE OF</b>
vs.	)	<b>HEARING DATE</b>
	)	
JULES MINH VO, et al.,	)	
	)	
Defendants.	)	

The briefing schedule will be modified as follows:

The Court finds the time between April 20, 2009 and May 18, 2009, is excludable from the Speedy Trial Act requirements of Title 18, United State Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The

1 specifically based on the need by defense counsel for additional time to prepare pretrial  
2 motions. For these reasons, there is good cause for the continuance and failure to grant  
3 the continuance would unreasonably deny the government and the defendants reasonable  
4 time necessary for effective case preparation taking into account the exercise of due  
5 diligence under 18 U.S.C. 3161(h)(8)(B)(iv).

6 IT IS SO ORDERED.

7  
8 Dated: May 7, 2009



RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE